



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Thomas L. Irving
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
1300 I Street, N.W.
Washington DC 20005-3315

COPY MAILED

NOV 02 2005

OFFICE OF PETITIONS

Applicant: Ramos et al.

Appl. No.: 10/810,814

Filing Date: March 29, 2004

Title: PARA-PHENYLENEDIAMINE DERIVATIVES CONTAINING A DISUBSTITUTED
PYRROLIDINYL GROUP BEARING A CATIONIC RADICAL, AND USE OF THE SAME
FOR DYEING KERATIN FIBERS

Attorney Docket No.: 05725.1292-00

Pub. No.: US 2004/0248961 A1

Pub. Date: December 9, 2004

This is a decision on the request for corrected of patent application publication under
37 CFR 1.221(b), filed on February 9, 2005, for the above-identified application.

The request is **DISMISSED**.

Applicant requests that the application be republished because the patent application publication contains a material error in formula in dependent claim 18, as the subscript in formula (IV) " $(R_8)_p$ " is misprinted as " $(R_3)_p$."

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requestor in dependent claim 18, wherein the subscript is misprinted is not a material Office error under 37 CFR 1.221. The error in this published application is due to the poor quality of the text in the application. The text of the subscript is very small and blurry. Furthermore, other text in the application is also not clear, as some of the letters, numerals and symbols are very small and incomplete. Applicant is advised that he or she may want to file

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

application papers that are clearer, as the errors are due to the quality of the text. The text in the application, which is very small and too close together, which makes it blurry and not clear, also makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition

Applicant should file applications having larger text, which is cleaner and with sufficient clarity and contrast to permit reproduction to avoid errors in the patent application publication process. See 37 CFR 1.52.

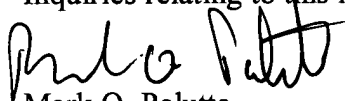
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).



Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy